of the c/l of Charlesmeade Road * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY 9th Election District 4th Councilmanic District

* Case No. 93-436-A

Scott R. Somerville, et ux Petitioners

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by the owners of the subject property, Scott and Mary Somerville. The Petitioners request relief from Section 1802.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a south side yard setback of 5.5 feet in lieu of the required 15 feet for a proposed garage and breezeway addition to the existing dwelling in accordance with Petitioner's Exhibit 1

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this $\frac{\sqrt{3^{16}}}{\sqrt{10^{10}}}$ day of July, 1993 that the Petition for Administrative Variance requesting relief from Section 1802.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a south side yard setback of 5.5 feet in lieu of the required 15 feet for a proposed garage and breezeway addition to the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage/breezeway addition shall contain no kitchen or bathroom facilities.

> 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

> > - 2-

TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

93-436-A

(address)

wide at a distance of

(north, south, east or west)

(17 \$ 100 6 of C/L of Currice, Meaning)

(number of feet of right-

ZONING DESCRIPTION FOR 6007 CHARLES MEADE RD

Election District 9 Councilmanic District 4

Beginning at a point on the Nonvuen.

(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street

Novemen Boundary of BALT which is

street on which property frnts)

(name of street)

feet of right-of way width)

in the subdivision of Homerond

8, BASCONN FORTUGA Block

33

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

July 13, 1993

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Mr. & Mrs. Scott R. Somerville 6007 Charlesmeade Road Baltimore, Maryland 21212

RE: PETITION FOR ADMINISTRATIVE VARIANCE E/S Charlesmeade Road, 140' E of the c/l of Charlesmeade Road (6007 Charlesmeade Road) 9th Election District - 4th Councilmanic District Scott R. Somerville, et ux - Petitioners Case No. 93-436-A

Dear Mr. & Mrs. Somerville:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

> Very truly yours, TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bjs cc: People's Counsel

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 6007 Charlesmade Rt Belto MIL 21212

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached The undersigned, legal owner(s) of the property situate in partition with an analysis of the property situate in partition (s) 1362.3c (CAPIT) Technology hereto and made a part hereof, hereby petition for a Variance from Section(s) 1362.3c (CAPIT) Technology SIDE YARD SETTSHEK OF 5.5' IN LIEUDE THE REQUIRED IS FOR ONE SIDE INA DR-2 ZONE.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty). The owners need for shelter of landscape equipment and automobile. Hardship: The owners need for shelter of landscape equipment and automobile. Storage Also theft has been prominent in their neighborhood i.e., bikes, etc. must be stored under lock and key. Presently they have no garage. Difficulty: In lieu of existing position of house relative to property boundaries, the same discrepancy would result at any alternate location; should the new structure he had tat any Property is to be posted and advertised as prescribed by Zoning Regulations. Said alternate location.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to

| Contract Purchaser/Lessee | | |
|------------------------------|--|----------------------|
| Type or Print Name) | | -··· |
| | | |
| Signature | | |
| ddress | | |
| | | |
| ity itomey for Petitioner | State | Z _i pcode |
| Type or Print Name) | ······································ | |
| | | |
| Signature | | |
| | | |
| Address | Phone No | |
| City | State | Zipcode |

REVIEWED BY: O'ILGIA DATE: O'TA ESTIMATED POSTING DATE: 6.27 ITEM #: 446

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 9

| Towns, Maryland | | |
|--|---|--|
| District 9th Posted for: Variance | Date of Posting 6/19/93 | |
| Petitioner: 50th & May 50-ma | 1 VIII0 | |
| Location of property: 6007 charles mes | *************************************** | |
| to property to be some | nes of privite drivoway looding | |
| Remarks: | Date of return: 6/25/23 | |
| Signature Fumber of Signs: | | |

| • | |
|---------|--|
| · 1 / 1 | Pollimare Comple |
| 7.01 | Zoning Administration & Development Managemen |
| V.j. | 111 West Chesopeake Avenue To:. soa, Maryland 21204 |
| | |

Scorr & MARY SomervilLE

GCC 7 CHARLES MEAD & RD BALT IID ZRIZ. # 101 UN WERE

Please Make Checks Payable To: Baltimore County

446.

Affidavit in support of 93-431-A
Administrative Variance The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at _ That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardehip or practical difficulty)

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this gth day of June, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Scott R. Somerville and Mary N. Somerville the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law

that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal.

as recorded in Baltimore County Plat Book and acres) YORK

ROAD

DESIGNERS BUILDERS -RENOVATORS

446

beginning of the last line of the land described in said Deed to John Howard Eager, III and Elizabeth Hartley Eager, his wife, and thence binding on the last line of the land described in said Deed and the Northern boundary line of Baltimore City due West 131.47 feet to the place of beginning. The courses in the above description are referred to the True Meridian established by the Topographical Survey Commission of Baltimore City. SUBJECT, HOWEVER, to certain reserved rights of John Howard Eager, III and Elizabeth Hartley Eager, his wife, in a Deed dated June 10, 1960 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3711 folio 289, to Paul T. Mackie, Jr. and Joan Eager Mackie, his wife, for the purposes stated in said Dood.

occupants of the land through which it passes

Attached to and made a part of a Deed from PAULIT. MACKIE, JR. and JOAN EAGER MACKIE,

EXHIBIT A LEGAL DESCRIPTION

BEGINNING FOR THE FIRST on the Northern boundary line of Baltimore City, as established

in 1918, where it is intersected by the Easternmost boundary line of Lot No. 8, as laid out on a Plat accompanying a Deed and Agreement between The Charles Street Avenue Corporation and Title Guarantee and Trust Company, dated April 10, 1920, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 522 folio 580 (said Plat being recorded

in Plat Book W.P.C. No. 5 folio 52), said intersection being the beginning of the land described in a Deed from The Charles Street Avenue Corporation to Clara Murray Eager, dated February

13, 1923, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 569 folio 148; and running thence binding reversely on part of the last line of the land described in said Deed and the Northern boundary line of Baltimore City due West 148.36 feet to the

end of the fourth line of the land described in a Deed from Clara Murray Eager to John Howard Eager, III, and Elizabeth Hartley Eager, his wife, dated October 15, 1958, and recorded among said Land Records in Liber G.L.B. No. 3434 folio 135; thence binding reversely on the fourth

line of the land described in said last mentioned deed due North 138.33 feet to the beginning of said line; thence running for a line of division now made parallel with the northern boundary line of Baltimore City due East 135.72 feet to a point in the easternmost boundary line of said Lot No. 8 and the first line of the land described in the Deed to Clara Murray Eager

hereinbefore referred to; and thence binding reversely on part of said first line South 5 degrees 13 minutes 20 seconds East 138.91 feet to the place of beginning. Containing 19,648 square feet w 0.45105 of an acre of land, more or less. The courses in the above description are

TOGETHER WITH a right-of-way 15 feet wide for ingress and egress and utilities extending from the end of the first line of the land above described due West along the Northern boundary line of Baltimore City to Charlesmeade Road, to be used in common with the owners and

AND SUBJECT:TO an easement 5 feet in width running in a Westerly direction from the eastern boundary of the lot herein described to the western boundary of said lot along the southernmost boundary of line firstly described herein for the construction, installation and maintenance

BEGINNING FOR THE SECOND on the Easternmost side of Charlesmeade Road 50 feet wide,

laid out on a Plat accompanying a Deed and Agreement between The Charles Street Avenue Corporation and Title Guarantee and Trust Company, dated April 10, 1920, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 522 folio 586 (said Plat being recorded in Plat Book W.P.C. No. 5 folio 52) where it is intersected by the northern

boundary line of Baltimore City as established in 1918, said intersection being at the beginning

of the iand described in a Deed from Clara Murray Eager and Auville Eager, her husband to John Howard Eager, III and Elizabeth Hartley Eager, his wife, dated October 15, 1958, and recorded among said Land Records in Liber G.L.B. No. 3434 folio 135, and distant 290 feet, more or less, northerly from the northeast corner of Charlesmeade Road and Gittings Avenue; and running thence binding on the Easternmost side of Charlesmeade Road and on the first and part of the second line of the land described in said last mentioned deed as now

surveyed northerly by a line curving toward the west (left) with a radius of 3685 feet and

a chord which bears North 11 degrees 41 minutes 10 seconds West \$.14 feet the distance of 8.14 feet and Northerly by a line curving toward the West (left) with a radius of 1207.01 feet and a chord which bears North 11 degrees 43 minutes West 2.07 feet the distance of 2.07

feet; thence running for a line of division now made parallel with and distant 10 feet northerly measured at right angles from the northern boundary line of Baltimore City due East 133,5 feet to a point in the fifth line of the land described in said last mentioned Deed at the distance

of 128.33 feet southerly from the beginning of said line; thence binding on the remainder of said fifth line due South 10 feet to the northern boundary line of Saltimore City and the

referred to The True meridian established by the Topographical Survey Commission of Baltimore City. Being part of Lot No. 3, as laid out on the Plat hereinbefore referred to.

husband and wife, to SCOTT R. SOMERVILLE and MARY N. SOMERVILLE, husband and wife.

O (410) 321-7224



(410) 887-3353

June 25, 1993

Mr. and Mrs. Scott R. Somerville 6007 Charlesmeade Road Baltimore, MD 21212

> RE: Case No. 93-436-A, Item No. 446 Petitioner: Scott R. Somerville, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Somerville:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 10, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

State Highway Administration

O. James Lighthizer Hal Kassoff Administrator

6-17-93

Ms. Helene Kehring Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Item No.: * 446 (JRA)

Re: Baltimore County

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-3350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

My telephone number is _____ Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

June 18, 1993

111 West Chesapeake Avenue

Towson, MD 2120+

NOTICE OF CASE NUMBER ASSIGNMENT

Scott and Mary Somerville 6007 Charlesmeade Road Baltimore, Maryland 21212

CASE NUMBER: 93-436-A (Item 446) 140' E of c/l Charlesmeade Road 9th Election District - 4th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 21, 1993. The closing date (July 6, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

CONSTRUCTION COMPANY INCORPORATED 93-436-A TOWSON **TWELVE** (410) 321-7224 MARYLAND 21204

PETITION IN SUPPORT OF VARIANCE

PRINT NAME

I, we have reviewed and understand the future plans for the residence of Scott and Mimi Somerville, who reside at 6007 Charles Meade Road, Baltimore, Maryland 21212, and hereby support the Administrative Variance to the said residence, which will permit an addition to be built outside the boundaries set forth by the official zoning code of Baltimore County Government.

ADDRESS AND PHONE NUMBER

2/1/20 Jos Jos Joe BOLENAR COOD Compounts By 31515 Warles Hon O Charles C. ADGIT 6009 Charlesmeal Pol 21212 JANO GADUTI. GOSI Chorlesme. & Red 21212 6006 Charlemende Road, 21212 Serena B. Montaque ANTHONY W DOWN 6011 CHAPLES MEDIE NO 21212. Wrendstan [ESICIE WILLIAM FININEY GOOY CHARES MEATERD 21212

446

INTER-OFFICE CORRESPONDENCE

TO Zoning Advisory Committee Date June 28, 1993

SUBJECT June 28, 1993 Meeting

From Captain Jerry Pfeifer- Fire Dept.

Building shall be in compliance with the 1991 Life Safety Code.

- No comments

Standpipes in accordance with NFPA 303 are required where a hose lay from fire apparatus to the end of a pier exceeds 150'.

 No comments - No comments

Building shall comply with the 1991 Life Safety Code and shall be equipped with smoke detectors in accordance with State Law.

- No comments - No comments

- No comments

Nocomments

CPS-008

PK/JL:lw

Arnold Jablon, Director

Development Management

Zoning Administration and

Pat Keller, Deputy Director

Office of Planning and Zoning

Petitions from Zoning Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

The Office of Planning and Zoning has no comments on the following petition(s):

If there should be any further questions or if this office can provide additional

information, please contact Jeffrey Long in the Office of Planning at 887-3480.

13-436 7

Item Nos. 420, 435, 441, 443, 444, 445, 446, 447, 448, 457, 458, 459 and 461.

DATE: June 28, 1993

7/1.143

435.ZAC/ZAC1

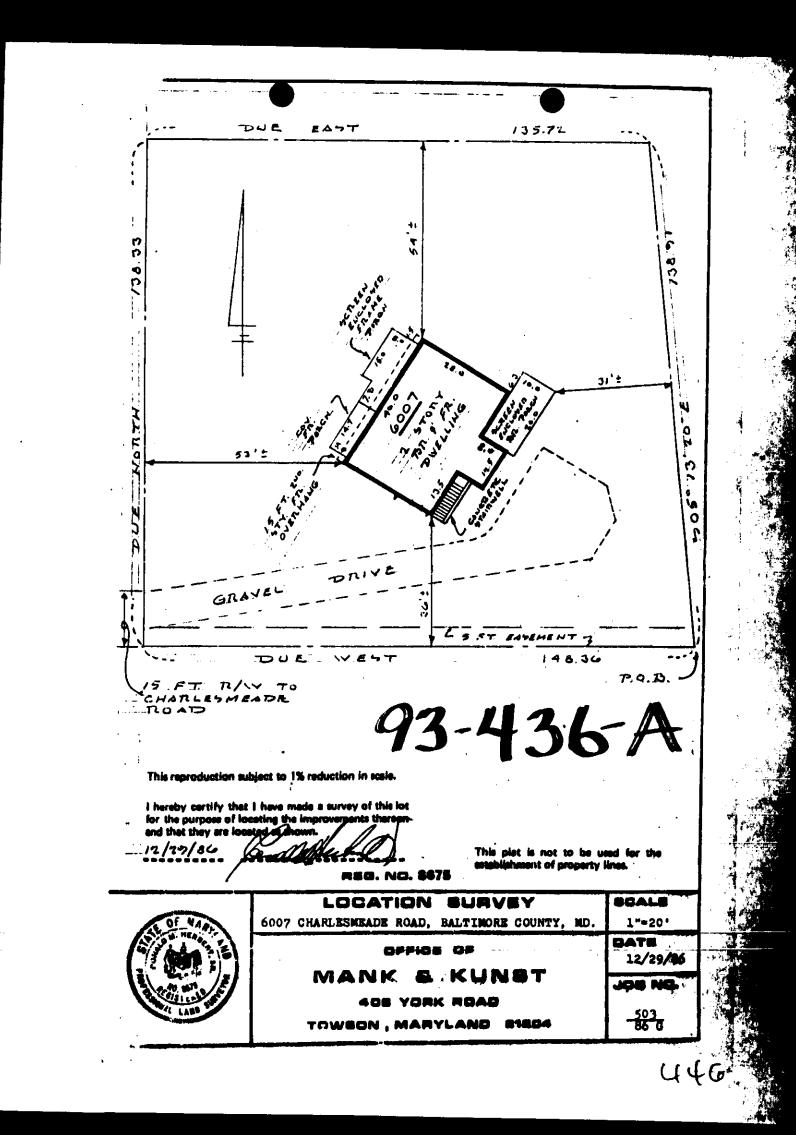
APPLICATION FOR PERMIT BALTIMORE COUNTY MARYLAND OFFICE OF THE BUILDING ENGINEER TOWSON, MARYLAND 21204 PROPERTY ADDRESS (COOT CHORLES MEAN WE YES NO DO NOT KNOW SUBDIV: HOMELAND

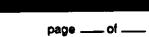
TAX ACCOUNT V: 09-/3-2058//
OWNER'S INFORMATION (LAST, FIRST)

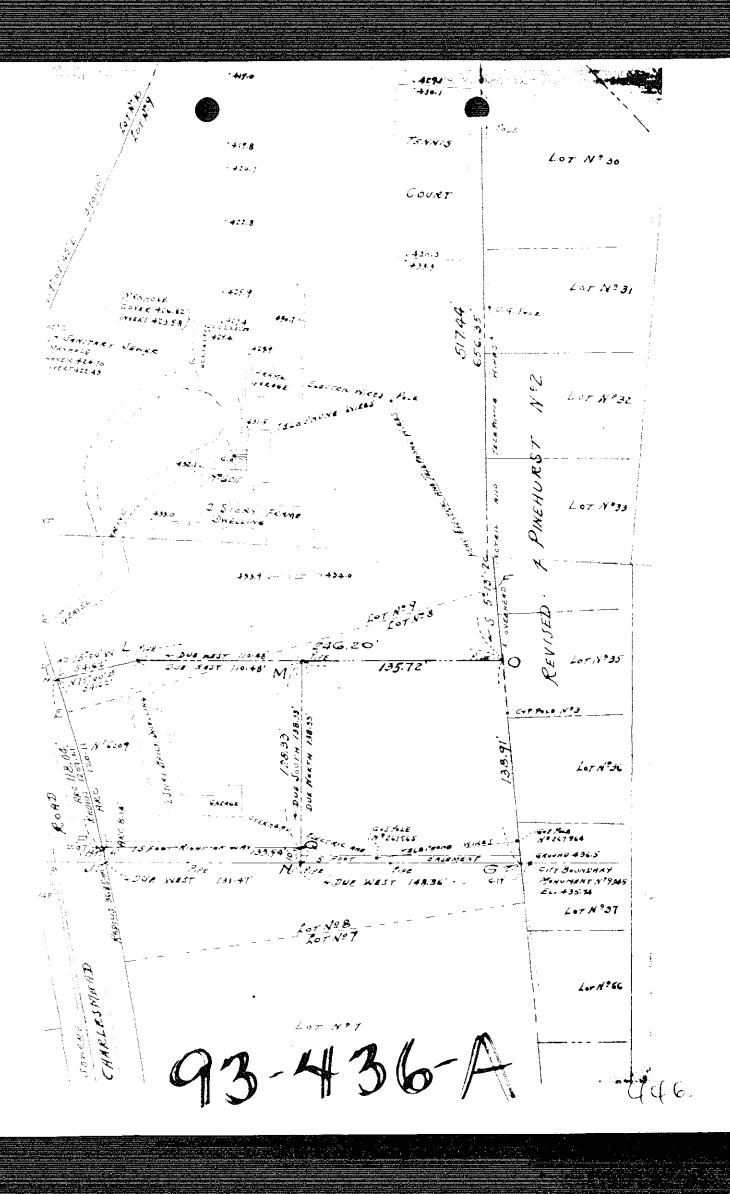
NAME: DAMERULLE, SOTT

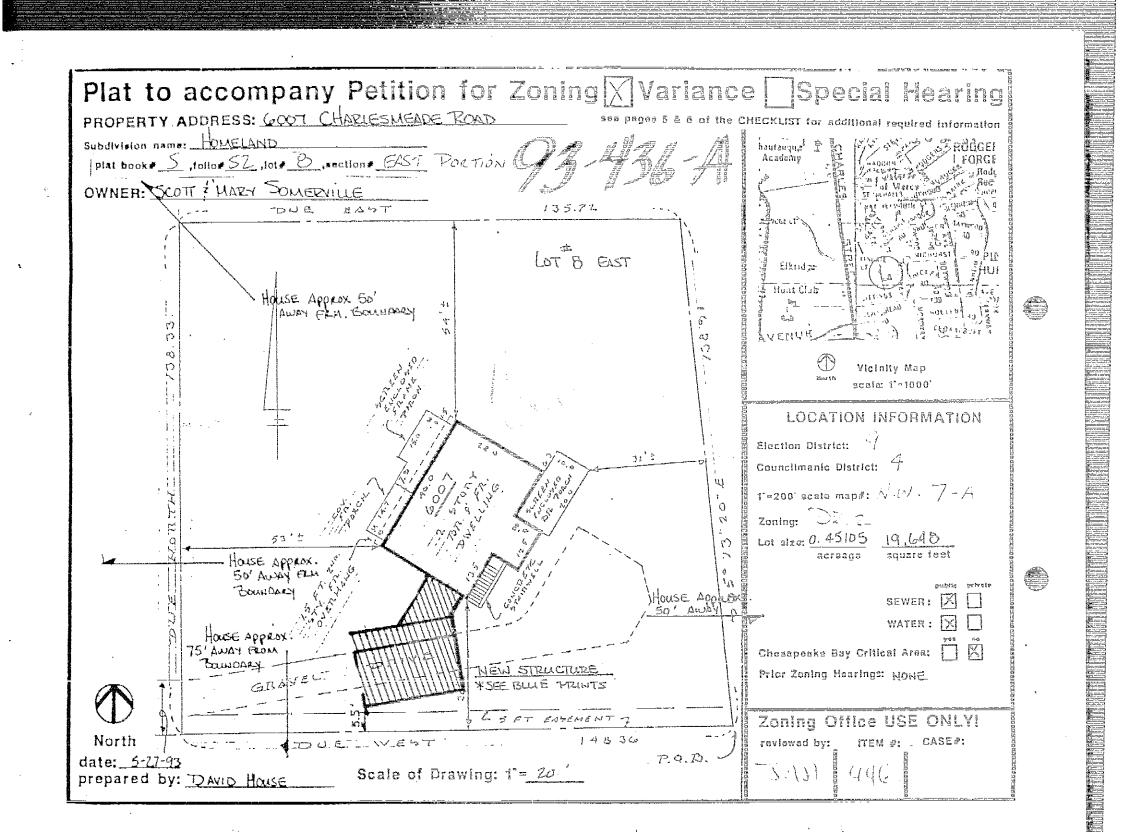
ADDR: AME & ACOUE FEE: 50.00+5.00 PAID: 55.00 PAID BY: A20 INSPECTOR: I HAVE CAREFULLY READ THIS APPLICATION NAME: DOV. O A. HOUSE AND KIND THE SAME IS COMPACT AND TRIE, AND THAT IN DOING THIS WORK ALL PROVIDENCE OF THE PAILTIMESE COUNTY COLE AND AITHCRIMEST STATE RECONATIONS WILL BE COMPANY SECURIFIED ON MIT AND WILL PRIMEST ALL RECOMPANY SECURIFIED ON MIT AND WILL PRIMEST ALL RECOMPANY APPLICANT APPLICANT APPLICANT AND WILL PRIMEST ALL RECOMPANY APPLICANT APPLICANT AND WILL PRIMEST ALL RECOMPANY APPLICANT APPLICANT APPLICANT AND WILL PRIMEST ALL RECOMPANY APPLICANT APPLICANT APPLICANT AND WILL PRIMEST ALL RECOMPANY APPLICANT APPLICANT AND WILL PRIMEST AND WILL PRIME AND WILL PRIMEST AND WILL PRIME WAS ALL PROVIDED AND WILL PRIMEST AND WILL PRIMEST AND WILL PRIMEST AND WILL PRIME WAS ALL PROVIDED AND WILL PRIMEST AND WILL PRIME WAS ALL PROVIDED AND WILL PRIMEST AND WILL P APPLICANT
SIGNATURE
PLANS: CONST PLOT PLAT DATA EL PL OR NOT AND WILL REQUEST ALL REQUIRED BUILDING 1 or 2 FAM. CODE CODE BOCA CODE TYPE OF IMPROVEMENT 1. ____NEW BLDG CONST 2. ___ADDITION . ____ ALTERATION DESCRIBE PROPOSED WORK: CONST. SUNKOOM ON SIDE OF REPAIR SFP W/ A STORAGE SHED CONNECTED BY WRECKING MOVING BREEZE WAY- (36.5X31X14-5 = 8995F) TYPE OF USE NON-RESIDENTIAL 01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
(ENTER NO UNITS)
55. SWIMMING POOL
36. GARAGE
37. OTHER AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
CHURCH, OTHER RELIGIOUS BUILDING
FENCE (LENGTH HEIGHT)
INDUSTRIAL, STURAGE BUILDING
PARKING GARAGE
SERVICE STATION, REPAIR GARAGE
HOSPITAL, INSTITUTIONAL, NURSING HOME
OFFICE, BANK, PROFESSIONAL
PUBLIC UTILITY
TO SCHOOL, COLLEGE, OTHER EDUCATIONAL
SIGN
STORE MERCANTILE RESTAURANT
SPECIFY TYPE TYPE FOUNDATION TYPE OF CONSTRUCTION TYPE OF HEATING FUEL TYPE OF SEWAGE DISPOSAL TYPE OF WATER SUPPLY OWNERSHIP
1. PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE #EFF: #18ED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS 6. HIRISE FLOOR 799
WIDTH 3/4 FRONT STREET
DEPTH 3/ SIDE STREET
HEIGHT /45 FRONT SETBK
CTORIES SIDE SETBK
LOT 8'S SIDE SETBK
CORNER LOT REAR SETBK

NAME CHECKS DAVABLE TO BALTIMODE COM-

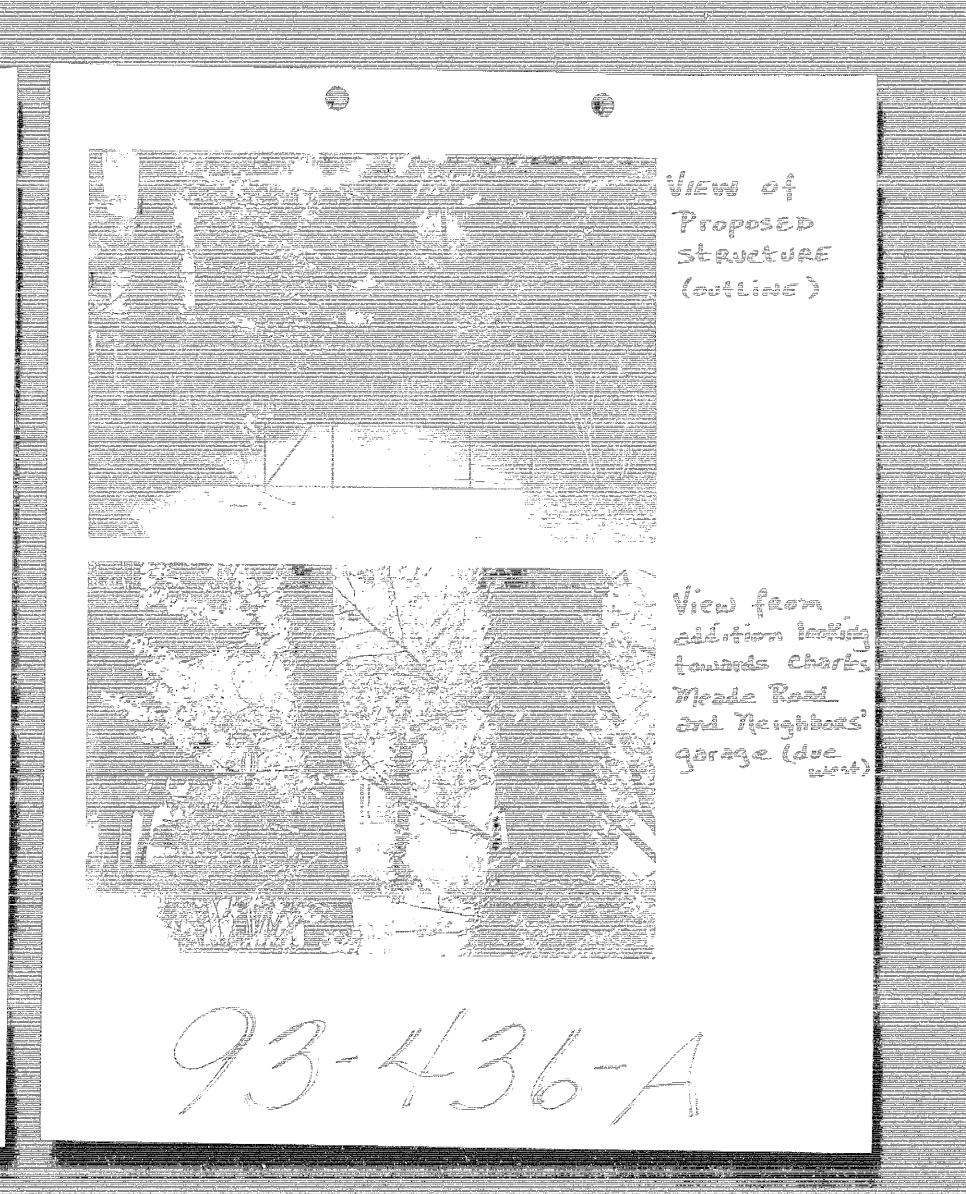


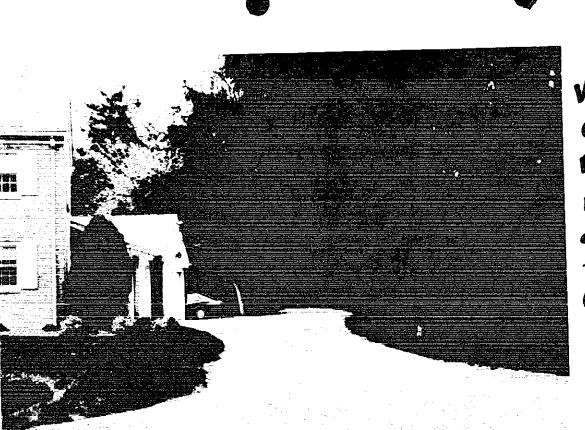




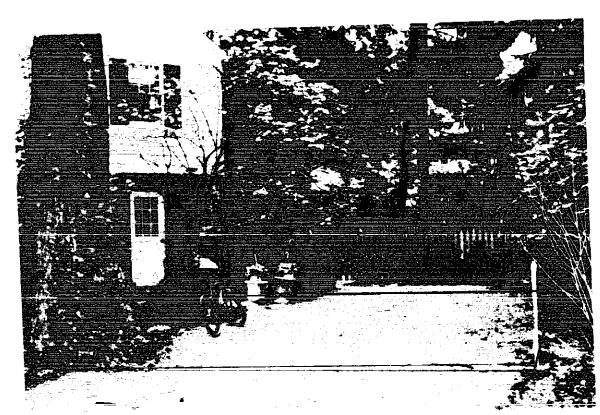


View from addition across
existing driveway twoods
Neighboring Stanture
(due South)





View from
Charles Meade
Road down 15'
Right-of-way
driveway shared
by Meighbor
(forefront)
Picture is looking
Due East.



Second View of basic Footprint

93-436-A

